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*Attorney for Plaintiff and Counter-Defendant  
Moog Inc.*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MOOG INC.,

Plaintiff,

vs.

SKYRYSE, INC. ROBERT ALIN  
PILKINGTON, MISOOK KIM, and  
DOES NOS. 1-50,

Defendants.

SKYRYSE, INC.,

Counterclaimant,

vs.

MOOG INC.,

Counter-Defendant.

Case No. 2:22-cv-09094-GW-MAR

**ASSIGNED TO HON. GEORGE H. WU**

**DECLARATION OF KAZIM NAQVI IN  
RESPONSE TO SKYRYSE'S  
APPLICATION TO FILE UNDER  
SEAL (DKT. 348)**

**FILED UNDER SEAL PURSUANT TO  
L.R. 79-5.2.2(b)(i)**

## DECLARATION OF KAZIM NAQVI

I, Kazim A. Naqvi, declare as follows:

1. I am an Associate at Sheppard, Mullin, Richter & Hampton LLP, and counsel of record for Plaintiff and Counter-Defendant Moog, Inc. (“Moog”) in this matter.

2. I have personal knowledge of the following facts, and if called as a witness, I could and would testify competently to these facts under oath.

3. I submit this declaration pursuant to Local Rule 79-5.2.2(b)(i), and the Protective Order entered in this action (Dkt. 89), to establish that the following excerpts and documents from Defendant and Counterclaimant Skyrise Inc.’s (“Skyrise”) Answer, Defenses, and Counterclaims (Dkt. 350), conditionally lodged under seal as containing information identified by Moog as Protected Material under the Protective Order (the “Designated Materials”), and as set forth in Skyrise’s Application to File Under Seal (Dkts. 348, 349) (“Application”), are properly sealable:

Designated Materials from Dkt. 350	Information Sought to be Redacted
<p>Highlighted portions in the unredacted version at pages 12:17-18; 38:25- 27; 39:3-16; 39:18-27; 40:13-14; 51:8-10; 52:3- 7; 52:9-12; 52:23-25; 52:27; 53:1-2; 53:16; 53:24-28; 54:1-3; 54:5; 54:7-13; 54:17-20; 54:27-28; 55:1; 55:3-5; 62:25.</p>	<p>These excerpts reference or quote from documents which contain Moog’s confidential and proprietary intellectual property, internal technical information, materials, and processes; marketing and business information; and/or financial information, including revenue and sales data, which were designated by Moog as “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “ATTORNEYS’ EYES ONLY” pursuant to the Protective Order (Dkt. 89).</p> <p>These excerpts reference or quote from</p>

Designated Materials from Dkt. 350	Information Sought to be Redacted
	<p>the following documents produced by Moog in this litigation which have been designated as Protected Materials under the Protective Order:</p> <p>MOOG0019624  MOOG0029888  MOOG0029908  MOOG0029952  MOOG0029959  MOOG0010796  MOOG0020503  MOOG0020513  MOOG0020552  MOOG0020523  MOOG0020524  MOOG0020555</p>

4. The Ninth Circuit has held that the “common law right of access [to court records] is not absolute and can be overridden given sufficiently compelling reasons for doing so.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). One factor a court should consider is whether disclosure of the materials at issue could result in “infringement upon trade secrets.” *Id.* (quoting *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995)). Another relevant factor is whether a party reasonably relied on a protective order in allowing discovery into the materials at issue. *Id.* at 1137-38 (citing several authorities, including *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 475 (9th Cir. 1992)). The rationale is “[a]mong the goals furthered by protective orders is reducing conflict over discovery and facilitating the flow of information through discovery,” so “[w]here that has happened, changing the ground rules later is to be avoided because protective orders that cannot be relied upon will not foster cooperation through discovery.” *Id.* at 1137.

